  Proposal for establishing the IETF as an independent organization

                <draft-rutkowski-ietf-poised95-orgs.txt>

Status of this Memo

1. Abstract

   This draft is related to the Hovey and Bradner [1], and Huizer
   drafts [2], addressing only the matter of formal external
   relationships.

   The IETF is at a juncture in its evolution. The key factors
   to consider are:

   a) the most effective standards bodies in the past have all
      been independent;

   b) failure to do so invariably ends up seriously damaging
      good standards bodies;

   c) incorporation as an independent entity is needed
      for the IETF;

   d) Other effective standards bodies on the Internet,
      in particular the WWW bodies, are also independent;

   e) one simple and easy alternative proposed here is
      incorporation under Swiss law (which also virtually
      eliminates liability problems and provides the IETF

with its own international stature), and locate the
      secretariat wherever desired.

. **Background**

   The history of standards organizations in the electronic communications
   and computer fields has been marked by a remarkably common evolution.
   They typically begin as extremely active, innovative activities bringing
   knowledgeable experts together in very flexible, ad-hoc ways to develop
   quickly and practically the standards needed for new systems or networks
   The institutions are typically simple - consisting only of a plenary,
   working groups, and a secretariat. They are usually independent and
   with simple arrangements and processes.

   The most visible early examples were standards organizations for telegraph,
   telephone, and radio systems - all of which were created as independent
groups
   of experts in the 1920s. Remarkably, organizations like the CCITT and
   CCIR began as "IETF-like" fast moving, running-code oriented groups of
   experts at that time - and remained independent until they were brought
   under the inter-governmental and UN organizational umbrella of the ITU
   in the late 40's whereafter they began assuming a significantly different
   character and agendas. Even their standards remained free until the 1970s
   when they became viewed as a revenue stream for political purposes at the
   time. Many similar examples exist throughout the world.

   Typically, when such standards organizations become significant, several
   things start to happen. Other larger organizations want to acquire
   them to enhance their own stature. The administrative matters become a
   nuisance. A desire for some kind of "legal personality" becomes important
   if for no other reason than minimizing the liability of the participants
   to potential lawsuits. In the past, this has also occurred to obtain
   "international stature" - arguably to magnify the effect of the standards
   and to deal with similar organizations.

   These are more than just hypothetical concerns for the IETF, as the
   history of the IETF and the POISED process itself over the past five
   years has arisen from problems and concerns about the actions of and
   relationships with other organizations.

   Invariably, as standards organizations are captured, they become subject
   to the controls, objectives, politics, and funding priorities of the parent.
   The standards organization suffers the results. The same story has been
   played out repeatedly over the past 70 years, and relatively few
   organizations had the tenacity to maintain their independence.

   However, times have changed. It is very easy today to incorporate as a
   bona fide international organization in a neutral, low-liability venue,
   and maintain the independence of the body and its secretariat. For
   example, the International WWW Conference Committee - a global organization

dedicated to promoting leading-edge WWW-related R&D and technical papers - recently chartered itself as an international organization under the provisions of Art. 60 of Swiss Confederation. The Internet Law and Policy Forum is also undertaking this course. Nearly all the various Internet and WWW consortia exist as independent groups. The AP-NIC elected to use an analogous regional process in the Seychelles.

[3](#). Incorporation of the IETF

The IETF today consists principally of its working groups, areas, the IESG and the Secretariat. It has been an effective construct that grew out of its DARPA research origins. However, its lack of incorporation exposes participants to potential personal liability in litigated disputes. In addition, the lack of some kind of real legal existence, coupled with the continued maintenance of the Secretariat as a contracted research project under the US government, needlessly detracts from the international character of the work and the standards - a potential problem in future trade or legal disputes for companies using IETF standards.

The simplest and most effect course of action is for the IESG to prepare a charter as the Board of Directors of a non-profit international organization under Art. 60 of Swiss Law. It is a quick and easy process that has very low overhead requirements, results in near zero probability of litigation, and provides certification as an international organization as a byproduct.

The Secretariat of such an incorporated IETF can exist anywhere, and maintained in any manner desired by its Board of Directors. Similarly, such an organization can adopt relationships, funding mechanisms, and procedures as it wishes - not as dictated by someone else. Any other organization and party can still provide the IETF with income under this approach. However, they don't get the right to own or control the organization.

It is suggested, however, that some consideration be given to the manner of defining "membership" - primarily as it relates to electing the IESG as the Board of Directors. Here some nominal definition of membership - such as requiring attendance at two meetings a year - might be appropriate.

[4](#). Conclusion

In the IETF tradition of "simple" protocols that work, it seems apparent that the most effective and viable course of action for the IESG, with the least liability and constraints for participants, is to incorporate the IETF as a non-profit international organization under Swiss law, manage its own affairs, and avoid ceding its autonomy and control to any other organization.

5. **Security considerations**

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Reference

1. **The Organizations Involved in the IETF Standards Process;
R. Hovey, S. Bradner; draft-ietf-poised95-ietf-orgs-02.txt**;
14 May 1996

2. **ETF-ISOC relationship; Erik Huizer;**
draft-ietf-poised95-isoc-03.txt; May 1996